

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – LOS ANGELES REGIONAL WATER BOARD  
SEPTEMBER 21, 2021**

**ITEM 12**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO REVISE THE IMPLEMENTATION SCHEDULES FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) DISCHARGERS, INCLUDING CALTRANS, SUBJECT TO THE SANTA MONICA BAY BEACHES BACTERIA TOTAL MAXIMUM DAILY LOAD (TMDL); THE MARINA DEL REY HARBOR MOTHERS' BEACH AND BACK BASINS BACTERIA TMDL; THE MALIBU CREEK AND LAGOON BACTERIA TMDL; THE MALIBU CREEK NUTRIENTS TMDL; THE MALIBU CREEK AND LAGOON SEDIMENTATION AND NUTRIENTS TMDL TO ADDRESS BENTHIC COMMUNITY IMPAIRMENTS; THE BALLONA CREEK ESTUARY TOXIC POLLUTANTS TMDL; THE MARINA DEL REY HARBOR TOXIC POLLUTANTS TMDL; THE BALLONA CREEK, BALLONA ESTUARY, AND SEPULVEDA CHANNEL BACTERIA TMDL; AND THE BALLONA CREEK METALS TMDL.

**DISCUSSION**

In response to multiple requests from MS4 dischargers, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted Basin Plan amendments on March 11, 2021 through [Resolution No. R21-001](#), extending the near-term wet weather-related TMDL deadlines for (1) the Santa Monica Bay Beaches Bacteria TMDL, (2) the Marina Del Rey Harbor Mothers' Beach and Back Basins Bacteria TMDL, (3) the Malibu Creek and Lagoon Bacteria TMDL, (4) the Malibu Creek Nutrients TMDL, (5) the Malibu Creek and Lagoon Sedimentation and Nutrients TMDL to Address Benthic Community Impairments, (6) the Ballona Creek Estuary Toxic Pollutants TMDL, (7) the Marina Del Rey Harbor Toxic Pollutants TMDL, (8) the Ballona Creek, Ballona Estuary, and Sepulveda Channel Bacteria TMDL, and (9) the Ballona Creek Metals TMDL. The amendments extend wet-weather implementation deadlines for the nine TMDLs and do not change any other elements of the TMDLs. Dry-weather related TMDL deadlines were not considered for extensions because there has been a prohibition on non-stormwater discharges in MS4 permits since the 1990s and because MS4 permittees have had success complying with or are approaching compliance with dry-weather deadlines.

The recommended extensions seek to balance the two aims of (1) restoring water quality and protecting public health and the environment in a reasonable timeframe and (2) recognizing the unprecedented impact of the COVID-19 pandemic on cities and counties. Recommendations for deadline extensions considered the original length of the TMDL schedule, the status of water quality, the water quality improvement projects that have been completed, and the projects that have been planned in Enhanced

Watershed Management Programs (EWMPs), TMDL Implementation Plans, and Stormwater Resource Plans, along with federal guidance that TMDLs be achieved in a reasonable period of time. Other watershed-specific factors were also considered as appropriate, such as the size of the watershed in the case of Marina del Rey and the impacts of the Woolsey Fire in the case of Malibu Creek and Northern Santa Monica Bay. In addition, staff evaluated the availability of dedicated funding sources for TMDL implementation (e.g. funds generated by the Los Angeles County's Safe Clean Water Program) and estimated the amount of time needed to complete projects to attain the TMDLs based on those funds. However, staff did not rely on these time estimates in making the recommendations for the extensions because of the uncertainty and the assumptions underlying these estimates.

Additionally, to ensure the ability of MS4 permittees subject to near-term TMDL deadlines to manage the additional fiscal challenge brought about by the COVID-19 pandemic, staff considered economic forecasts and recommended that 3 years be added to the final wet-weather deadlines for the TMDLs, with the exception of certain beaches subject to the Santa Monica Bay Bacteria TMDL's antidegradation provisions (which only require maintaining the existing water quality).

Finally, the extensions of the implementation deadlines were aligned for TMDLs in the same watershed so that the EWMPs for those watersheds can be structured to address all TMDLs at the same time. The recommended revised deadlines and the lengths of extension are shown in the following table.

| <b>TMDL</b>                                     | <b>Length of extension</b>             | <b>Recommended revised deadline</b> |
|---|--|-------------------------------------|
| Ballona Creek Bacteria TMDL <i>wet weather</i>  | 5 years                                | July 15, 2026                       |
| Ballona Creek Estuary Toxics TMDL               | 5 years for metals, chlordane and DDTs | July 15, 2026                       |
|   | 1 year for PCBs                        |                                     |
| Ballona Creek Metals TMDL <i>wet weather</i>    | 5 ½ years                              | July 15, 2026                       |
| Marina del Rey Bacteria TMDL <i>wet weather</i> | 3 years                                | July 15, 2024                       |
| Marina del Rey Toxics TMDL                      | 3 years and 4 months                   | July 15, 2024                       |

| <b>TMDL</b>   | <b>Length of extension</b>  | <b>Recommended revised deadline</b>                                      |
|---|---|--|
| Santa Monica Bay Bacteria TMDL <i>wet weather</i>                 | 3 years for NSMBCW* and Beach Cities<br><br>5 years for JG2&3**<br><br>No change for beaches subject to antidegradation | July 15, 2024 for NSMBCW and Beach Cities<br><br>July 15, 2026 for JG2&3 |
| Malibu Creek Bacteria TMDL <i>wet weather</i>                     | 5 years   | July 15, 2026  |
| Malibu Creek Nutrients TMDL                                       | 5 years   | July 15, 2026  |
| Malibu Creek Nutrients and Sedimentation TMDL (below Malibu Lake) | 3 years   | July 15, 2026  |

\*NSMBCW: North Santa Monica Bay Coastal Watershed

\*\*JG2&3: Jurisdictional Groups 2 and 3

A number of MS4 permittees subject to these TMDLs requested longer extensions ranging from 5 to 30 years. However, the Los Angeles Water Board determined that the above TMDL deadline extensions were more appropriately augmented through the issuance of time schedule orders (TSOs) at this time. TSOs are a type of enforcement order authorized by the Water Code that outline the specific actions a permittee will take to come into compliance with an applicable effluent limit. TSOs typically include specific milestones and additional compliance reporting. TSOs longer than 1 year, must also include interim effluent limitations. Permittees have the option to request a TSO for up to five years and may request an extension of the TSO for up to five more years if they have been making diligent progress but still need additional time to complete projects to achieve compliance. The combination approach of Basin Plan amendments and potential TSOs allows the Los Angeles Water Board to keep implementation periods reasonable while ensuring accountability for implementation progress through specific schedules and milestones for each permittee based on their unique circumstances.

## **POLICY ISSUE**

Should the State Water Board approve the amendment to the Basin Plan to revise implementation schedules for the Santa Monica Bay Beaches Bacteria TMDL; the Marina del Rey Harbor Mothers' Beach and Back Basins Bacteria TMDL; the Malibu Creek and Lagoon Bacteria TMDL; the Ballona Creek Estuary Toxic Pollutants TMDL; the Marina del Rey Harbor Toxic Pollutants TMDL; the Ballona Creek, Ballona Estuary, and Sepulveda Channel Bacteria TMDL; and the Ballona Creek Metals TMDL?

**FISCAL IMPACT**

The Los Angeles Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

**REGIONAL BOARD IMPACT**

Yes, approval of this resolution will amend the Los Angeles Water Board's Basin Plan.

**STAFF RECOMMENDATION**

That the State Water Board:

1. Approve the amendment to the Basin Plan adopted under Los Angeles Water Board Resolution No. R21-001.
2. Authorize the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board Resolution No. R21-001, as approved, and the administrative record for this action to the Office of Administrative Law.